

Express Mail Label No.: E 55672818US

Date of Deposit: June 26, 2000

PATENT APPLICATION

Attorney Docket No. 15966-557 (Cura-57)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Shimkets and Prayaga
ASSIGNEE : CuraGen Corporation
SERIAL NUMBER : 09/494,585
FILING DATE : 31 January 2000
FOR : NOVEL FIBROBLAST GROWTH FACTOR AND NUCLEIC ACIDS
ENCODING SAME
EXAMINER : Not Yet Assigned
ART UNIT : Not Yet Assigned

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Transmitted herewith in response to the May 4, 2000, Notice to File Missing Parts in the present application are the following documents:

- ☐ copy of NOTICE TO FILE MISSING PARTS OF APPLICATION form (1 page);
- ☐ COMBINED DECLARATION AND POWER OF ATTORNEY, executed by Shimkets (3 pages);
- ☐ COMBINED DECLARATION AND POWER OF ATTORNEY, executed by Prayaga (3 pages);
- ☐ STATEMENT CLAIMING SMALL ENTITY STATUS (2 pages);
- ☐ Check for \$65.00; and
- ☐ Return Postcard.

Applicants believe the Response to Notice to File Missing Parts is due on or before July 4, 2000, with no extensions. The enclosed check is to cover the \$65.00 surcharge for filing Missing Parts. Although Applicants believe that, with the inclusion of the Small Entity Statement, no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 15966-57 (Cura-57). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Kristin E. Konzak, Reg. No. 44,848
Attorney/Agent for Applicants
c/o MINTZ, LEVIN

One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Date: June 26, 2000

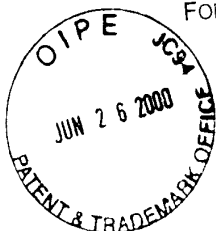
Express Mail Label No.: EK5...72818US
Date of Deposit: June 26, 2000

PATENT APPLICATION
Attorney Docket No. 15966-557 (Cura-57)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Shimkets and Prayaga
ASSIGNEE : CuraGen Corporation
SERIAL NUMBER : 09/494,585
FILING DATE : 31 January 2000
FOR : NOVEL FIBROBLAST GROWTH FACTOR AND NUCLEIC ACIDS ENCODING
SAME

EXAMINER : Not Yet Assigned
ART UNIT : Not Yet Assigned



STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN)

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

CURAGEN CORPORATION
555 Long Wharf Drive, 11th Floor
New Haven, Connecticut 06511

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

☐
☒
☐

the specification filed herewith with title as listed above;
the application identified above; or
the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Applicant: Shimket and Prays
Filed: 09/494,585

Each person, concern, or organization having any rights in the invention is listed below:

☒
☐

no such person, concern, or organization exists.

each such person, concern, or organization is listed below: ∞

∞ Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

George A. Xixis, Esq.

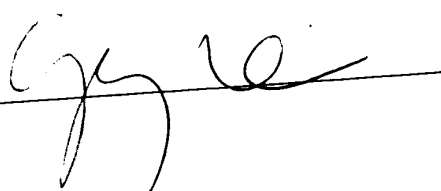
Title in organization of person signing:

Intellectual Property Counsel

Address of person signing:

CURAGEN CORPORATION
322 East Main Street
Branford, Connecticut 06405

Signature: _____



Date: _____

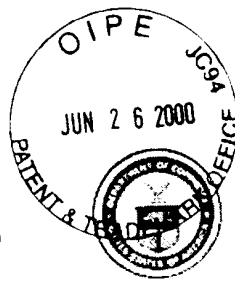
6/23/2000

TRADOCS:1337566.1(S_2M01!.DOC)

FORMALITIES LETTER



OC00000005096254

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/494,585	01/31/2000	Richard A. Shimkets	15966-557(Cura-57)

Mintz Levin Cohn Ferris Glovsky & Popeo PC
One Financial Center
Boston, MA 02111

Date Mailed: 05/04/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

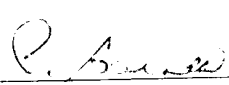
FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 447.**

*A copy of this notice **MUST** be returned with the reply.*


 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/30/2000 NPPASAS0 00000001 09494585

01 FC:205

65.00 OP

Adjustment date: 06/30/2000 NPPASAS0
 06/29/2000 NPPASAS0 00000051 09494585
 01 FC:205 -65.00 OP

06/29/2000 NPPASAS0 00000051 09494585
 01 FC:205 65.00 OP